



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

August 6, 2018

Regulatory Division
POA-1995-120

Victor Joseph, Chief
Tanana Chiefs Conference
122 First Avenue, Suite 600
Fairbanks, Alaska 99701-4897

Dear Chief Joseph:

I am writing regarding your letter received July 19, 2018 commenting on the Donlin Gold Final Environmental Impact Statement (FEIS). As you are aware the U.S. Army Corps of Engineers (USACE), Alaska District, is the lead federal agency for the EIS pursuant to the National Environmental Policy Act (NEPA) for the proposed Donlin Gold Project (Project). We have worked closely with several cooperating agencies including six tribes as cooperating agencies throughout the preparation of the EIS, which was finalized on April 27, 2018.

I want to thank you for the additional comments you provided. We have reviewed the comments and they will be given serious consideration in our joint record of decision with the U.S. Bureau of Land Management (BLM). I want to specifically address your recommendation that USACE initiate further government-to-government consultation with the federally recognized tribes of McGrath, Telida, Nikolai, and Takotna. USACE, as the designated lead federal agency, has the overall responsibility for both the EIS process and government-to-government consultation with tribes that may be impacted by the proposed Project. We have learned that government-to-government consultation is most effective during the earliest planning stages. I have provided an overview (attached) regarding the tribal consultation and coordination efforts that USACE has accomplished during the development of the Donlin Gold FEIS.

Since finalizing the EIS, USACE and BLM has been working toward finalizing our joint record of decision for the proposed Project. While our door is always open for developing our overall government-to-government relationship with federally recognized tribes, USACE will not be initializing any further government-to-government consultation regarding the Donlin Gold FEIS nor the associated record of decision at this time.

Please contact me via email at Jamie.R.Hyslop@usace.army.mil, by mail at the address above, by phone at (907) 753-2670 if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,



Jamie Hyslop
Project Manager

Copies Furnished:

Dan Graham, Donlin Gold, LLC dgraham@donlingold.com

Tom Heinlein, BLM theinlei@blm.gov

Overview of USACE Tribal Consultation and Coordination Efforts Related to the Donlin Gold Project

The USACE initiated the NEPA process on December 14, 2012, which culminated in the release of the Donlin Gold Final EIS on April 27, 2018. Throughout this six year process, the USACE invited tribal government participation, to include those listed above. We initially notified and invited into government-to-government consultation 66 tribes that may be potentially affected by the proposed project via letter dated September 24, 2012. Discussions with potentially affected tribal governments continued throughout the NEPA process. A summary of consultation and coordination efforts by the USACE is provided below:

- An initial teleconference for tribes was held on October 30, 2012. Twelve representatives from eight tribes participated.
- The USACE made a presentation to 30 tribal leaders at the BIA Providers' Conference on November 29, 2012.
- An additional teleconference with tribes was announced through email to all 66 tribes and held on December 12, 2012.
- The USACE sent reminder email messages to all 66 tribes on February 13, 2013 and March 25, 2013 regarding the scoping period, encouraging the tribes to submit comments before the closing date of March 29, 2013.
- The USACE made a presentation to a tribal audience and spoke with tribal members at the Orutsararmiut Native Council meetings in Bethel on May 22-23, 2013.
- The USACE met with tribal cooperating agencies several times during the planning of the Donlin Subsistence Technical Working Group meetings, which were held November 5-7, 2013 in Aniak.
- The USACE held a teleconference for tribes and Alaska Native corporations on August 20, 2014 to discuss Section 106 of the National Historic Preservation Act (NHPA) and to invite tribes and corporations into the process for the Donlin EIS. Mailings with the invitations to this meeting were dated July 30, 2014. The invitations were sent to the 66 federally recognized tribes and several village and regional Alaska Native corporations.
- The USACE met with tribes and cooperating agencies at the Donlin EIS Traditional Ecological Knowledge Subsistence Technical Working Group, which was held on March 26-27, 2014 in Anchorage.
- The USACE sent a letter to all 66 potentially affected tribes on October 22, 2015, notifying the tribes that the Draft EIS Notice of Availability was expected to be released on November 30, 2015, and that USACE would be sending an Executive Summary of the Draft EIS along with a DVD of the full document for review. This letter also was to notify the tribes of a series of public meetings to be held in various communities between January 15 and April 30, 2016, in addition to inviting tribes into government-to-government consultation if they chose.

- In September 2016, the USACE re-initiated the process for the NHPA Section 106 Programmatic Agreement, with an invitation to consult. The invitations were sent to 66 federally recognized tribes and several village and regional Alaska Native corporations. Two initial meetings were held with consulting parties: October 4, 2016 in Anchorage, and November 21, 2016 in Bethel. After collecting input from the consulting parties, a draft Programmatic Agreement was circulated May 10, 2017 for consulting party review and comment.
- Through October 2017, the USACE had held staff level government-to-government tribal coordination meetings regarding the Donlin Gold Project with several tribes.